

REMARKS

Claims 1-3 and 5 are pending in this application. By this Amendment, non-elected claims 6-10 and 13 and finally rejected claim 12 are canceled without prejudice or disclaimer. No new matter is added. Applicants had previously filed an Amendment After Final Rejection on January 12, 2009, which was denied entry by the Examiner as indicated in the Advisory Action mailed January 16, 2009. Accordingly, this Amendment again cancels non-elected claims 6-10 and 13, which were withdrawn from consideration by the Examiner.

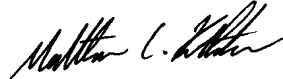
Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); and (b) do not raise any new issue requiring further search and/or consideration. This Amendment After Final Rejection was not earlier submitted because the Examiner's position regarding claim 12 has only recently been clarified in the Advisory Action. Entry of the amendments is thus respectfully requested.

The Office Action rejects claim 12 under 35 U.S.C. §102(b) (and/or §102(a)) as anticipated by WO 03/085049 A1 to Hu et al. ("Hu") alone or, optionally, taken with WO 03/080513 A2 to Johnson et al. ("Johnson"). By this Amendment, claim 12 is canceled without prejudice or disclaimer, rendering the rejection moot. The Examiner has indicated that remaining claims 1-3 and 5 are allowable. Accordingly, withdrawal of the rejection and prompt allowance of claims 1-3 and 5 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Matthew C. Barthalow
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WPB:MCB

Attachment:
Petition for Extension of Time

Date: February 25, 2009

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